

8 - 5 ANALYSIS OF BENEFIT AND NEED FOR NEW FACILITY

ISSUE: **Should the Radiation Control Act (UCA 19-3) be amended to include additional licensing provisions similar to those within the Solid and Hazardous Waste Control Act (UCA 19-6-108(10) and (11)), including submission of a market analysis, a description of public benefits, compliance history, and information showing that probable beneficial environmental effect of the facility outweighs the probable adverse environmental effect, and that there is a need for the facility?**

RECOMMENDATION:

Change to the Radiation Control Act in Section 19-3-105 to include the following provisions:

- (1) No proposed application for a commercial radioactive waste facility may be approved unless it contains the information that the Executive Secretary requires, including:
 - (a) estimates of the composition, quantities, and concentrations of any radioactive waste and the proposed treatment, storage, and disposal of it;
 - (b) evidence that the disposal of the radioactive waste or treatment, storage, and disposal of radioactive waste will not be done in a manner that may cause or significantly contribute to an increase in mortality, an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to public health or the environment;
 - (c) consistent with the degree and duration of risks associated with the disposal of radioactive waste or treatment, storage, and disposal of radioactive waste, evidence of financial responsibility in whatever form and amount that the executive secretary determines is necessary to insure continuity of operations and that upon abandonment, cessation, or interruption of operations of the facility or site, all reasonable measures consistent with the available knowledge will be taken to insure that the waste subsequent to being treated, stored, or disposed of at the site or facility will not present a hazard to the public or the environment;
 - (d) evidence that the personnel employed at the facility or site have education and training for the safe and adequate handling of radioactive waste;
 - (e) plans, specifications, and other information that the executive secretary considers relevant to determine whether the proposed commercial radioactive waste facility will comply with this part and the rules of the Board;
 - (f) compliance schedules, where applicable, including schedules for corrective action or other response measures for releases from any radioactive waste management unit at the facility, regardless of the time the waste was placed in the unit.
- (2) The executive secretary may not approve a commercial radioactive waste facility that meets the requirements in Subsection (1) unless it contains the information required, including:
 - (a) evidence that the proposed commercial facility has a proven market of radioactive waste including:

- (i) information on the source, quantity, and price charged for treating, storing, and disposing of potential radioactive waste in the state and regionally;
 - (ii) a market analysis of the need for a commercial facility given existing and potential generation of radioactive waste in the state and regionally; and
 - (iii) a review of other existing and proposed commercial radioactive waste regionally and nationally that would compete for treatment, storage, and disposal of radioactive waste;
 - (b) a description of the public benefits of the proposed facility including:
 - (i) the need in the state for additional capacity for the management of radioactive waste;
 - (ii) any energy and resources recoverable by the proposed facility;
 - (iii) the reduction of radioactive waste management methods, which are less suitable for the environment, that would be made possible by the proposed facility; and
 - (iv) whether any other available site or method for the management of radioactive waste would be less detrimental to the public health or safety or to the quality of the environment; and
 - (c) compliance history of an owner or operator of a proposed commercial radioactive waste treatment, storage, or disposal facility, which may be applied by the executive secretary in radioactive waste application decision, including any plan conditions.
- (3) The executive secretary may not approve a commercial radioactive waste application unless based on the application, and in addition to the determinations required in Subsections (1) and (2), the executive secretary determines that:
- (a) the probable beneficial environmental effects of the facility to the state outweighs the probable adverse environmental effect; and
 - (b) there is a need for the facility.

BACKGROUND:

The Solid and Hazardous Waste Act establishes additional burden for a potential applicant to submit information regarding policy issues that may be used by policy makers for any final decision on a commercial facility. This information requirement was inserted in the Solid and Hazardous Waste Act, at a time when a large number of facilities were seeking approval, as a means of identifying the need for additional facilities as well as the commitment of the applicant. If the Legislature continues to believe this information is useful as part of the commercial waste application process, this language should be added to the Radiation Control Act.